

JEFFERSON COUNTY COMMISSIONERS
COURTHOUSE, BOX H
BOULDER, MT 59632
PHONE 406-225-4025
FAX 406-225-4148

TOM LYTHGOE, CHAIR

KEN WEBER

DAVE KIRSCH

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
November 3, 2009**

Present: Commissioners Lythgoe, Weber and Kirsch; Harold Stepper, County Planner; Janet Cornish & Lanette Windamaker, Community Development Services of Montana; Tara Mastel & Tom Harrington, JLDC; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Glenn & Terri Marx, Eddie Smith, Larrey Lattin

CORRESPONDENCE

Commissioner Lythgoe noted the receipt of TSEP documents from Great West for signature.

Commissioner Lythgoe noted the receipt of a letter regarding a public meeting to be held in Whitehall that night. Commissioner Weber is unable to attend the meeting, so Commissioner Kirsch will attend.

CALENDAR REVIEW

11/04 Solid Waste safety committee - 8:00
Meeting with Senator Testor's representatives - Whitehall - 1:30
11/05 Meeting with Andrea Sarchet regarding 4-H - 9:00
11/09 Canvas election - 3:00

COMMISSION REPORTS

CTAC

Commissioner Weber reported that on the 28th he attended the CTAC meeting in Whitehall. A contingency came down from Alaska to view the Golden Sunlight and how the CTAC group works together with the community on transitioning to the future. During the meeting, Golden Sunlight presented the local search and rescue with an ambulance.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

RESOLUTION 40-2009 RESOLUTION TO AMEND THE GROWTH POLICY IN ORDER TO SUPPORT SECONDARY VALUE-ADDED INDUSTRY TO JEFFERSON COUNTY

Harold Stepper, County Planner, presented the Commission with the resolution and stated that the change to the growth policy is to allow for secondary value-added industry.

Commissioner Weber moved to adopt the resolution. Commissioner Kirsch seconded. The motion carried.

GLENN & TERRI MARKS – SEEKING COMMISSION SUPPORT FOR WALKING TRAIL AROUND PIEDMONT POND

Glenn Marx, Whitehall Walking Trails Group, gave an overview of the project. The original goal of the group was to have a walking trail from Whitehall to a good destination point, and the logical site seemed to be the Piedmont Pond. There were two landowners that the trail needed to traverse. One landowner said yes, the other said perhaps but the land is for sale, and they preferred that the new owner deal with the trail easement. Unfortunately, that property is still for sale, and they have no idea when or if it will sell. The plan is now to build a walking trail entirely within the easement of the Piedmont Pond fishing access site, which is owned by Fish, Wildlife and Parks. He and Roger Steerman walked the area and came up with a 1.3 mile trail totally within the fishing access. Great West Engineering has come out to look at the project, and they feel that the planned trail is feasible. It is also on fairly flat ground, so it should be fairly inexpensive to construct. They met with the Bozeman Region parks and fishing access site person, who met with them at the pond. They are in agreement that this is a good site for a trail and they like to increase the utilization and the public participation on their fishing access sites. This is a fairly new site with a cinder path around it, a parking area and a latrine facility. There is a lot more potential to the site than just that. There are some wetlands there, there is the potential to do some interpretative things there, and the potential to build off of this trail. Since they are an informal group, FWP would like to have an agreement with someone more established. FWP presented the group with a draft agreement that they have with Three Forks as a guide. Last night they discussed the agreement at the community development board. They agreed that they would support and sign the agreement and present it to the town council.

Terri Marx stated that she wanted to thank the Commission for their patience with this process. The group has gotten a \$15,000 leadership grant that requires a financial sponsor and that is where the Town of Whitehall comes in. The County would come in as far as lending their name and support, and possibly some weed spraying if they are in the area. Trail cleanup would be done with volunteer groups and FWP will continue to maintain the latrine. She reiterated that they do have community development board support and will be presenting to the Town of Whitehall on Monday night.

Terri stated that FWP did not want to make the agreement between them and the trails group, fearing that the group might disband. They would prefer that the agreement be made with the Commission and the Town.

Commissioner Lythgoe stated that basically the county's responsibility is no more than what they have asked for in the past, designation of CTEP funds. Terri stated that this is correct.

Commissioner Weber asked if they have considered an "adopt a trail" program similar to the "adopt a highway" program. Terri stated that this is something that they did discuss initially, and there are groups that have expressed an interest.

Commissioner Lythgoe stated that some of the language in the contract is probably language that FWP requires. Terri stated that it is. He noted several examples that outline the County's responsibilities. Commissioner Lythgoe stated that in any of the trails that they have been involved in, the county has not been responsible for any maintenance of the trails.

Commissioner Lythgoe asked if they have any estimates of what the trail will cost. Terri stated that Jeremiah from Great West will be helping them with that. FWP has asked them to back off from the CTEP funds until this agreement is done.

Commissioner Weber moved to enter into the agreement with FWP, the Town of Whitehall and the Whitehall Trails committee to support the trail in the piedmont pond area. Commissioner Kirsch seconded. Commissioner Weber stated that it has been a long, hard road to get a good project in the Whitehall area. He feels that it is also appropriate to enter into another agreement to define our relationship with the group and to keep the on-going maintenance of the trail. The motion carried.

PUBLIC HEARING – ZONING MAP AMENDMENT TO NORTH JEFFERSON COUNTY
ZONING DISTRICT MAP FOR THE PURPOSE OF ESTABLISHING TAX INCREMENT
FINANCE DISTRICT

Commissioner Lythgoe called the public hearing to order and called for comments.

Harold Stepper, County Planner, presented his staff report regarding a proposed amendment to the north Jefferson County zoning map. Three landowners have applied to have 122 acres zoned Basic Resource changed to Industrial to promote secondary, value-added industry.

Harold recommended that the amendment to the north Jefferson County zoning map be changed and that a TIF District be formed.

Janet Cornish, Community Development Services, stated that changing the zoning district will enable them to proceed towards the creation of a tax increment finance district. The Growth Policy amendment that was made previously in this meeting calls for the appropriate land uses to help facilitate the development of secondary value-added industry. The adoption of the resolution of intent will trigger a 30-day period during which residents will be able to comment on the changes. At the end of the 30-day comment period, there will be a public hearing and the TIF District plan will be introduced. This will be adopted through an ordinance.

Hearing no further comments, Commissioner Lythgoe closed the public hearing.

Commissioner Weber moved to accept the staff report. Commissioner Kirsch seconded. The motion carried.

RESOLUTION 38-2009 INTENT TO AMEND THE NORTH JEFFERSON COUNTY
ZONING DISTRICT MAP FOR THE PURPOSE OF ESTABLISHING TAX INCREMENT
FINANCE (TIF) DISTRICT

The resolution was presented as follows:

RESOLUTION 38-2009

**RESOLUTION OF INTENT TO ADOPT
AN AMENDMENT TO THE
NORTH JEFFERSON COUNTY ZONING DISTRICT MAP**

BE IT RESOLVED by the Board of County Commissioners (the "Board") of Jefferson County (the "County"), Montana, as follows:

Section 1. Growth Policy. The Jefferson County Growth Policy was adopted June 18, 2003.

Section 2. Promote Industry. The Jefferson County Board of County Commissioners desires to promote secondary, value adding industry in Jefferson County and further the establishment of tax increment financing districts.

Section 3. Intention to Amend. The applicant/owners, City/County Sanitation, Inc., Dave Duffy, Vice President/General Manager, 3630 York Road, Helena, MT 59635; Jerral H. Bryant, 308 Highway 518, East Helena, MT 59635; and Todd D. And Christy L. Dighans, 314 Highway 518, East Helena 59635, applied for a Zone Map Amendment, pursuant to Section 2.6 of the Amended North Jefferson County Zoning Regulations.

Section 4. Amendment. The applicants are requesting an amendment to the zoning classification from **BASIC RESOURCE TO INDUSTRIAL** on +/- 121.98 acres generally lying southeast of State Highway 518 and the Jefferson County/Lewis and Clark County line and adjacent to the City/County landfill. The general character of this Zone Map Amendment is from agricultural to industrial. The property is legally described as:

Beginning at the East 1/4 corner of Section 6, Township 9 North, Range 2 West, P.M.M., thence along the Southerly line of Tract A, Certificate of Survey #152653 a bearing of 89°47'47" W a distance of 2386.18 feet to the True Point of Beginning; thence South 89°47'47" W a distance of 717.48 feet; thence South 1°26'13" E a distance of 79.74 feet; thence South 22°33'29" E 427.00 feet; thence South 75°36'27" E a distance of 240.00 feet; thence South 0°25'44" W to the South Line of the North ½ of the South ½ said

Section 6 a distance of +/- 400.00 feet; thence along the South Line South 89°47'47" W to the East ROW line of Montana Secondary Highway 518, a distance of +/-2154.69 feet; thence along said East line of Montana Secondary 518 North 3°13'42" W to the Northwest Corner of Lot 1, Bahny's Minor Subdivision, and Certificate of Survey# 152653 North 89°45'12"E a distance of 2010.09 feet, thence to the Point of Beginning South 0°12'42" E a distance of 1336.27 feet. Described area encompassing +/-121.98 acres.

Section 5. Planning Board. The Jefferson County Planning Board conducted a public hearing on October 21, 2009 to accept public testimony.

Section 6. Planning Board Recommendation. Having considered the proposed revisions and the received public testimony, the Jefferson County Planning Board has passed and adopted a resolution which made recommendation to the Jefferson County Board of County Commissioners that they adopt the proposed Zone Map Amendment.

Section 7. Public Hearing. That in accordance with 76-2-205, MCA, the Jefferson County Board of County Commissioners must conduct a public hearing prior to taking any action to establish, revise, adopt or amend zoning.

Section 8. Notice. After publishing notice as required by law, the Jefferson County Board of County Commissioners held a public hearing on November 3, 2009, to receive recommendations and suggestions from the public regarding this Zone Map Amendment to the North Jefferson County Zoning District Map from **BASIC RESOURCE TO INDUSTRIAL** ON +/-121.98 acres.

Section 9. Intent to Adopt. The Jefferson County Board of County Commissioners, that in accordance with 76-2-205, MCA, the Board of County Commissioners hereby expresses its intent to adopt this Zone Map Amendment to the North Jefferson County Zoning District Map from **BASIC RESOURCE TO INDUSTRIAL** on +/-121.98 acres.

Section 10. Notice of Passage. In accordance with 76-2-205, MCA, notice of passage of the resolution of intention shall be published once a week for two weeks in a newspaper of general circulation in Jefferson County.

Section 11. Protest Period. In accordance with 76-2-205, MCA, for 30 days after first publication of notice the County Commission will accept written protests to this Zone Map Amendment (ZMA) to the North Jefferson County Zoning District Map from persons owning real property within the district whose names appear on the last-completed assessment roll of the county.

Section 12. Final Adoption. The final adoption hearing before the Jefferson County Commission is scheduled for December 15, 2009 at 2:00 P.M. in the Jefferson County Courthouse Courtroom.

PASSED AND ADOPTED by the Board of County Commissioners of Jefferson County, Montana, this 3rd day of November, 2009.

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

KEN WEBER, COMMISSIONER

DAVE KIRSCH, COMMISSIONER

Commissioner Weber moved to adopt the Resolution of Intent to Amend the North Jefferson County Zoning District Map. Commissioner Kirsch seconded. The motion carried.

PUBLIC HEARING – CONSIDER ADOPTION OF SUNLIGHT ZONING REGULATION AND MAP FOR THE PURPOSE OF REGULATING DEVELOPMENT AND ESTABLISH A TIF INDUSTRIAL DISTRICT

Commissioner Lythgoe called the public hearing to order and called for comments.

Harold presented his staff report and recommended that the Commission adopt a resolution of intent to adopt zoning for the Sunlight Industrial District.

Janet stated that following statute and making sure that the area that they plan to create a TIF District is zoned industrial in accordance with the Growth Policy. Currently, the Sunlight area has no zoning at all.

Hearing no further comments, Commissioner Lythgoe closed the public hearing.

DISCUSS AND DECIDE ON ADOPTION OF SUNLIGHT ZONING REGULATIONS AND MAP FOR THE PURPOSE OF REGULATING DEVELOPMENT AND ESTABLISH A TIF INDUSTRIAL DISTRICT

Commissioner Weber moved to accept the staff report. Commissioner Kirsch seconded. The motion carried.

RESOLUTION 39-2009 RESOLUTION OF INTENT TO ADOPT SUNLIGHT ZONING REGULATIONS AND MAP FOR THE PURPOSE OF REGULATING DEVELOPMENT AND ESTABLISH A TIF INDUSTRIAL DISTRICT

The resolution was presented as follows:

RESOLUTION 39 - 2009

RESOLUTION OF INTENT TO ADOPT THE SUNLIGHT ZONING REGULATION AND MAP

BE IT RESOLVED by the Board of County Commissioners (the "Board") of Jefferson County (the "County"), Montana, as follows:

Section 1. Growth Policy. The Jefferson County Growth Policy was adopted June 18, 2003.

Section 2. Promote Industry. The Jefferson County Board of County Commissioners desires to promote secondary, value adding industry in Jefferson County and further the establishment of tax increment financing districts.

Section 3. Intention to Create. The petitioners/owners, Golden Sunlight Mine, Inc., P.O. Box 970, Elko, NV 89803-0970 and Jefferson Local Development Corporation, P.O. 1079, Whitehall, MT 59759, submitted a request to create the Sunlight Zoning District by adoption of the Sunlight Zoning Regulation and Map in accordance with 76-2-201, MCA.

Section 4. Zoning District. The petitioners/owners requested the creation of Sunlight Zoning District with the adoption of Sunlight Zoning Regulation and Map on +/- 8,156 acres generally located in the Golden Sunlight Mine area of Jefferson County. The general character of the zoning regulation is industrial. The district boundaries encompass the property legally described as:

TOWNSHIP 2 NORTH, RANGE 3 WEST, P.M.M. JEFFERSON COUNTY, MONTANA

Section:	17	ALL
Section:	18	ALL
Section:	19	ALL
Section:	20	ALL except the SW1/4 of the SW1/4
Section:	21	ALL
Section:	28	W1/2, W1/2 of the E1/2
Section:	29	ALL excepting the NW1/4 of the NW1/4
Section:	30	ALL
Section:	31	W1/2 of the NW1/4, NE1/4 of the NW1/4
Section:	32	ALL, less lands included in Right of Way

Section : 33

A tract of land, more particularly described as follows:

Commencing at a point on the North line of Section 33, from which the North quarter corner of said 33 bears due west 680 feet; thence South 2044

feet: thence south 44°15' East 1809 feet; thence South 6°44' East 1258 feet to a point on the Yellowstone Trail Road and from which point the Southeast corner of said Section 33 bears South 50°5' East 1036.5 feet; thence South 84°45' West 1782 feet along said Yellowstone Trail Road to a point on the West line of said Section 33, from which the Southwest corner of Section 33 bears South 844.5 feet; thence North to the Northwest corner of said Section 33; thence East to the place of beginning.

Section: 33

A tract of land in the Northeast 1/4 more particularly described as follows: Commencing at a point from which the Northeast corner of Section 33 bears due East 268 feet, thence West on the North section line of said Section 33, 1773 feet, to a point from which the North quarter corner of said Section 33 bears due west 680 feet, thence South 2044 feet to a point, thence East 250 feet to a point, thence 773.6 feet to a point, thence North 72°30' East 425 feet to a point, thence North 44°30' East 1611 feet to the place of beginning.

Section 5. Planning Board. The Jefferson County Planning Board conducted a public hearing on October 21, 2009 to accept public testimony.

Section 6. Planning Board Recommendation. Having considered the proposed revisions and the received public testimony the Jefferson County Planning Board has passed and adopted a resolution which made a recommendation to the Jefferson County Board of County Commissioners that they adopt the Sunlight Zoning Regulation and Map with the requested change to Section 2.3.4.1 increasing the height of buildings from 90 feet to 350 feet to standardize the allowed height of industrial buildings within Jefferson County.

Section 7. Public Hearing. That in accordance with 76-2-205, MCA, the Jefferson County Board of County Commissioners must conduct a public hearing prior to taking any action to establish, revise, adopt or amend zoning.

Section 8. Notice. After publishing notice as required by law, the Jefferson County Board of County Commissioners held a public hearing on November 3, 2009, to receive recommendations and suggestions from the public regarding these proposed adoption of the Sunlight Zoning Regulations and Map.

Section 9. Intent to Adopted. The Jefferson County Board of County Commissioners, that in accordance with 76-2-205, MCA, the Board of County Commissioners hereby express its intent to adopt the Sunlight Zoning Regulation and Map on +/- 8,156 acres generally located in the Golden Sunlight Mine area in Jefferson County with the requested change of Section 2.3.4.1 increasing the height of buildings from 90 feet to 350 feet to standardize height of industrial buildings within Jefferson County.

Section 10. Notice of Passage. In accordance with 76-2-205, MCA, notice of passage of the

resolution on intention shall be published once a week for two weeks in a newspaper of general circulation in Jefferson County.

Section 11. Protest Period. In accordance with 76-2-205, MCA, for 30 days after first publication of the notice the County Commission will accept written protests to the creation of the Sunlight Zoning District by adoption of the Sunlight Zoning Regulation and Map from persons owning real property within the district whose names appear on the last-completed assessment roll of the county.

Section 12. Final Adoption. The final adoption hearing before the Jefferson County Commission is scheduled for December 15, 2009 at 1:45 P.M. in the Jefferson County Courthouse Courtroom.

PASSED AND ADOPTED by the Board of County Commissioners of Jefferson County, Montana, this 3rd day of November, 2009.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

KEN WEBER, COMMISSIONER

DAVE KIRSCH, COMMISSIONER

Commissioner Weber moved to adopt the resolution. Commissioner Kirsch seconded. The motion carried.

Commissioner Weber moved to have Commissioner Lythgoe sign the notice of passage of resolution. Commissioner Kirsch seconded. The motion carried.

Janet Cornish stated that she wanted to clarify a couple of things. All of the things that the Commission has been doing these past few weeks have laid the groundwork to create the TIF district. Montana law requires that this is done through an ordinance, rather than a resolution. What they are planning is to hold a third public hearing on December 15th which would be to create the TIF district. The public hearing notice must be mailed to all of the property owners of record within each of the districts. She asked about the Commission's process for adopting an ordinance. Commissioner Lythgoe stated that unlike cities, counties aren't allowed to have many ordinances. The ordinance needs to be read over two meetings. Janet stated that their goal has

been to get this completed by the end of the calendar year, which they will just be able to do and fit into the guidelines.

OPPORTUNITY FOR PUBLIC COMMENT

Larrey Lattin, Jefferson County representative for the governor's siting commission for a veteran's home, stated that he is in attendance to ask the Commission for letter of support to site the home in Jefferson County. Currently the best location is in Boulder. Commissioner Lythgoe stated that he thinks that the Commission has already written a letter of support, but he will check when he gets back to the office.

Commissioner Kirsch stated that being on the committee, one of the things that has been discussed, because of the depth of the document that has to go to the board, is that it might be best to hire a consultant to draw up the proposal. This is economic development, so he feels that they can use economic development monies. Commissioner Lythgoe asked when the proposal is due. Larrey stated that they are due February 5.

Commissioner Lythgoe asked if we have a chance getting this award, given the competition. Larrey stated that all started on a level playing field. It is his understanding that Madison County is now out of the running.

Tom Harrington stated that initially, he wasn't sure of what Jefferson County's chances were but after attending the meetings over the past few months, he is feeling very positive. He would suggest that as Jefferson County is developing their proposal, that the Commissioners should be thinking about what the county can bring to the table; other enticements that can improve our chances to be selected.

Larrey stated that as a matter of public information, when the facility is sited, it will be forever and there is the real possibility of expansion in the future, which will bring even more jobs to Boulder.

Commissioner Weber moved to adjourn. Commissioner Lythgoe seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

KEN WEBER, COMMISSIONER

DAVE KIRSCH, COMMISSIONER